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OFFICE OF PETITIONS

In re Application of
Conley, et al.
Application No. 10/681,055
Filed: October 8, 2003
Attorney Docket No. P32555D2
For: NOVEL METHOD OF TREATMENT

:
: DECISION GRANTING
: PETITION
:
:

This is a decision on the petition under 37 CFR 1.10(c), filed January 12, 2004 (certificate of mailing date January 8, 2004), requesting that the above-identified application be accorded a filing date of October 8, 2003 rather than the presently accorded filing date of October 7, 2003.

Petitioners request the later filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on October 8, 2003, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label no. EL964437986US showing no "date-in" and a USPS date stamp of OCT 8 2003. The same Express Mail label number is listed on the original Utility Application Transmittal in the application file.

The evidence presented establishes that the Express Mail package associated with Express Mail label no. EL964437986US was deposited with the USPS on October 8, 2003.

Accordingly, the petition is granted. No fee has been or will be charged in connection with this petition.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **October 8, 2003**.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-6712.

A handwritten signature in cursive script, appearing to read "E. Shirene Willis".

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

cc: SMITHKLINE BEECHAM CORPORATION
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